

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GLOCK, INC.,)
Plaintiff,) CASE NO. 1:12-CV-0136-MHS
vs.)
GLOBAL GUNS & HUNTING, INC.)
d/b/a OMB GUNS and JOHN RALPH,)
III,)
Defendants.)

**KINSEY, VINCENT, PLYE, P.L. AND WOODWARD + STERN, LLC'S
REPLY TO GLOCK, INC.'S RESPONSE TO DEFENSE COUNSEL'S
MOTION TO WITHDRAW**

The law firms of Kinsey, Vincent, Pyle, P.L. (“KVP”) and Woodward + Stern, LLC (“W+S”), hereby file this Reply to Glock, Inc’s Response to Defense Counsel’s Motion to Withdraw and states as follows:

I. ARGUMENT

In Glock's Inc.'s ("Glock") Response to Defense Counsel's Motion to Withdraw, it states that this action has been delayed due to the repeated withdrawal of counsel for defendants and the time needed for new counsel to become familiar with the case. This is simply not true. There was no delay in this case upon the withdrawal of Mr. Bieber as Mr. Reeves and Mr. Byrd were both representing Defendant

GLOBAL GUNS & HUNTING, INC. d/b/a OMB GUNS (“OMB”) from the onset of this action. In fact, it was Plaintiff that requested to amend its Complaint to add Defendant JOHN RALPH, III (“RALPH”) in December 2012 and an Order allowing that amendment was granted on February 25, 2013. It was the amendment of the Complaint to add significant and numerous factual allegations and new causes of action, plus the addition of Defendant RALPH to this action, that caused the initial delay. Based on the serious nature of the new allegations in the Amended Complaint against both Defendant OMB and Defendant RALPH, Defendants made the decision to obtain new counsel. Any extension of deadlines were either stipulated to by Plaintiff’s counsel or consented in part. There was no delay of this action based on the withdrawal of Mr. Welch or the appearance of James A. Pickens in June since they were attorneys of the same firm.

The parties filed their motions for summary judgment in March 2014 and the Court entered its Order on March 30, 2015 resolving the parties’ motions for summary judgment. Based upon that Order, it was Defendants’ counsel’s opinion that they were now in a position to hold meaningful settlement negotiations and thus requested an extension of time to conduct an in-person settlement conference and the filing of the consolidated pretrial order. However, repeated requests for additional information from the undersigned to Defendants have gone unanswered and the Blue Valley Bank

Order dated May 22,2015 attached to Glock's Response is equally concerning. Defendants continued lack of communication and failure to respond to numerous requests for information, coupled with their failure to bring their account current, has caused a continuous default by Defendants to fulfill their obligations to the undersigned regarding the legal services and has rendered Defendants continued representation impossible, as well as causing an unreasonable financial burden on the undersigned.

Rule 1.16(b) (4)-(5) of the Georgia Rules of Professional Conduct provides that a lawyer may withdraw from representing a client if the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled; (5) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client. This request for permission to withdraw is being made prior to pretrial, in accordance with Local Rule 83.1(E)(1).

Based on Rule 1.16(b)(4)-(5) of the Georgia Rules of Professional Conduct, having no communication from our client and a continuous default of their representation agreement, the law firms of Kinsey, Vincent, Pyle, P.L. and Woodward + Stern, LLC request permission to withdraw.

II. CONCLUSION

Pursuant to Local Rule 83.1(E), NDGa., and Rule 1.16(b) of the Georgia Rules of Professional Conduct and Enforcement Thereof, the law firms of Kinsey, Vincent, Pyle, P.L. and Woodward + Stern, LLC, hereby request permission to withdraw as counsel for Defendants GLOBAL GUNS & HUNTING, INC., d/b/a OMB GUNS and JOHN RALPH, III.

Dated on June 15, 2015.

KINSEY, VINCENT, PYLE, P.L.

By: /s James A. Pickens
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CERTIFICATE OF COMPLIANCE

In accordance with Local Rule 7.1(D), NDGa, I certify that the foregoing Kinsey, Vincent, Pyle, P.L. and Woodward + Stern, LLC's Reply to Glock, Inc.'s Response to Defense Counsel's Motion to Withdraw has been prepared using Times New Roman 14 point font, one of the approved font and point selections specified in LR 5.1(C), NDGa.

KINSEY, VINCENT, PYLE, P.L.

/s James A. Pickens

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OMB GUNS and JOHN RALPH, III

CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2015, I electronically filed Kinsey, Vincent, Pyle, P.L. and Woodward + Stern, LLC's Reply to Glock, Inc.'s Response to Defense Counsel's Motion to Withdraw with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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